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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	
)	Chapter 11
CIRCUIT CITY STORES, INC.,)	
et al.,)	Case No. 08-35653-KRH
)	
Debtors.)	Jointly Administered
)	

**MOTION OF CYBER ACOUSTICS, LLC FOR PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIM**

Cyber Acoustics, LLC (“Cyber Acoustics”), by and through its counsel, pursuant to Section 503(b) of the Bankruptcy Code, hereby moves the Court for allowance and payment of a Chapter 11 administrative expense claim (“Administrative Expense Motion”) and states as follows:

JURISDICTION

1. The Court has jurisdiction over this Administrative Expense Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. Cyber Acoustics is a retail supplier which provided retail merchandise to merchants including Circuit City Stores, Inc. and its related affiliates (collectively, “Circuit City”).

3. Cyber Acoustics has provided retail merchandise to Circuit City and its predecessors or successors in interest since March 2005.

4. On November 10, 2008 (the “Petition Date”), Circuit City filed a petition for reorganization under Chapter 11 of the Bankruptcy Code and continued the management of its business and properties as debtor-in possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

5. Cyber Acoustics provided retail merchandise to Circuit City after the Petition Date. Specifically, from the Petition Date through January 6, 2009, Cyber Acoustics provided Circuit City with \$337,536.24 in retail merchandise (the “Merchandise”). Cyber Acoustics sent invoices (the “Invoices”) to Circuit City for the Merchandise, but the entire balance of the Invoices remains unpaid. Copies of the Invoices are attached hereto as Exhibit A.

6. The amount owed by Circuit City were actual, necessary costs and expenses of preserving Circuit City’s bankruptcy estates and are unsecured debts incurred by Circuit City in the ordinary course of business.

RELIEF REQUESTED

7. Section 503(b)(1) of the Bankruptcy Code provides that the “actual, necessary costs and expenses of preserving the estate, including . . . [costs] for services rendered after the commencement of the case” shall be allowed as an administrative expense. 11 U.S.C. § 503(b)(1)(A).

8. In the present case, Cyber Acoustics is entitled to a Chapter 11 allowed administrative expense claim against the Debtors’ bankruptcy estate pursuant to Sections 364(a), 503(b)(1)(A) and 507(a)(2) of the Bankruptcy Code for the post-petition charges because Cyber Acoustics supplied beneficial and valuable retail merchandise to Circuit City post-petition in the

ordinary course of Circuit City's business. *See Devan v. Simon DeBartolo Group, L.P. (In re Merry-Go Round Enters., Inc.),* 180 F.3d 149, 157 (4th Cir. 1999).

WAIVER OF MEMORANDUM OF LAW

9. Cyber Acoustics respectfully requests that the Court treat this Motion as a written memorandum of points and authorities and waive any requirement that this Motion be accompanied by a written memorandum of points and authorities as required by Local Bankruptcy Rule 9013-1(G).

CONCLUSION

BASED UPON THE FOREGOING, Cyber Acoustics respectfully requests that this Court enter an order: (i) granting the Motion; (ii) allowing Cyber Acoustics a Chapter 11 administrative expense claim pursuant to Section 503(b)(1)(A) of the Bankruptcy Code in the amount of \$337,536.24; and (iii) granting such other and further relief as is just and proper.

Respectfully submitted,

CYBER ACOUSTICS, LLC

/s/ *W. Alexander Burnett*

By: _____
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on December 30th, 2010, a true and complete copy of the foregoing was filed and served electronically using the Court's ECF System and a copy was mailed to the following recipients:

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/s/ *W. Alexander Burnett*

EXHIBIT A

Invoices attached.